

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

AMYLIN PHARMACEUTICALS, INC.,

Plaintiff,

vs.

ELI LILLY AND COMPANY,

Defendant.

CASE NO. 11-CV-1061 JLS (NLS)

**ORDER: DENYING PLAINTIFF
AMYLIN PHARMACEUTICALS
INC.'S MOTION FOR
INJUNCTION PENDING APPEAL**

Presently before the Court is Plaintiff Amylin Pharmaceuticals, Inc.'s (Amylin) motion for injunction pending appeal. Federal Rule of Civil Procedure 62(c) allows a court to issue an injunction pending appeal of an order or final judgment that "grants, dissolves, or denies an injunction." "Like any injunction, an injunction pending appeal is an extraordinary remedy that should be granted sparingly." *Sierra Forest Legacy v. Rey*, 691 F. Supp. 2d 1204, 1207 (E.D. Cal. 2010) (internal quotation marks and citation omitted). The standard for an injunction pending appeal is the same as for a preliminary injunction; the plaintiff must show that it is likely to succeed on the merits, that it is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in its favor, and that an injunction is in the public interest. *Id.* at 1207 (citing *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 129 S. Ct. 365, 374 (2008)).

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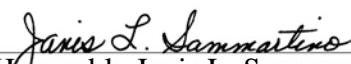
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1 For the reasons stated in the Court's Order denying Amylin's motion for preliminary
2 injunction, the Court concludes that Amylin has failed to establish that it is likely to suffer irreparable
3 harm in the absence of preliminary relief. (Order, June 8, 2011, ECF No. 44; *see, e.g.*, Addanki Decl.
4 ¶ 34, ECF No. 11-3.) Accordingly, Amylin's motion is **DENIED**.

5 **IT IS SO ORDERED.**

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7 DATED: June 9, 2011

8 
9 Honorable Janis L. Sammartino
United States District Judge

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